

MINUTES OF MEETING MARCH 2, 2010

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 2nd day of March 2010, the Commissioners' Court convened the Voting Session at 9:11 AM in the Commissioners' Courtroom, 1st Floor of the Ned Granger Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Gillian Porter.

The Commissioners Court retired to Executive Session at 10:26 AM.

The Commissioners Court reconvened the Voting Session at 11:14 AM.

The Commissioners Court adjourned the Voting Session at 11:26 AM.

The Commissioners Court, meeting as the Northwest Travis County Road District #3 (Golden Triangle), convened at 11:26 AM and adjourned at 11:27 AM.

The Commissioners Court, meeting as the Travis County Bee Cave Road District #1 (Galleria), convened at 11:27 AM and adjourned at 11:28 AM.

CITIZENS COMMUNICATION

Members of the Court heard from: Kenneth Snyder, Travis County Resident; Ronnie Gjemre, Travis County Resident; Maurice Priest, Travis County Resident; Paul Aviña, Travis County Resident; and Gus Peña, Travis County Resident. (9:13 AM)

CONSENT ITEMS

Members of the Court heard from: Julie Joe, Assistant County Attorney; Mary Etta Gerhardt, Assistant County Attorney; unidentified Travis County Resident; and Ronnie Gjemre, Travis County Resident.

Motion by Commissioner Gómez **and seconded by** Commissioner Davis to approve the following Consent Items: C1-C4 and Items 4, 5, 6, 7, 8.A-H, 9, 10, 11, 12, 13, 14, and A2. (9:29 AM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- C1. RECEIVE BIDS FROM COUNTY PURCHASING AGENT.
- C2. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS.
- C3. APPROVE MINUTES FOR VOTING SESSION OF FEBRUARY 16, 2010.
- C4. APPROVE SETTING A PUBLIC HEARING ON TUESDAY, MARCH 16, 2010 TO RECEIVE COMMENTS REGARDING A REQUEST TO TEMPORARILY CLOSE OASIS BLUFF DRIVE TO THROUGH TRAFFIC FROM COMANCHE TRAIL TO BULLICK HOLLOW ROAD IN PRECINCT THREE FOR THE "2010 ISSA TEXAS SIZZLER" SLALOM SKATEBOARD RACES TO BE HELD ON MARCH 27, 2010 FROM 8:00 A.M. TO 5:00 P.M. (COMMISSIONER HUBER)

Clerk's Note: The Court noted an error in Item C4; the road closure request will be for March 27 and 28, 2010, and the public hearing is set for Tuesday, March 16, 2010.

RESOLUTIONS AND PROCLAMATIONS

- 2. CONSIDER AND TAKE APPROPRIATE ACTION ON PROCLAMATION ACKNOWLEDGING NATIONAL GROUNDWATER AWARENESS WEEK FROM MARCH 7 THROUGH 13, 2010. (COMMISSIONER ECKHARDT AND COMMISSIONER HUBER) (9:53 AM)

Members of the Court heard from: Tom Weber, Environmental Quality Program Manager, TNR; and Maurice Priest, Travis County Resident.

Motion by Commissioner Huber **and seconded by** Commissioner Eckhardt to approve the Proclamation in Item 2.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

TRANSPORTATION AND NATURAL RESOURCES DEPT. ITEMS

- 3. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING A REQUEST TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE EIGHT FIVE-FOOT PUBLIC UTILITY EASEMENTS LOCATED ALONG THE COMMON LOT LINES OF LOTS 2 AND 3, LOTS 3 AND 36, LOTS 36 AND 37, AND LOTS 37 AND 2, BLOCK 5, WITH LOTS 2 AND 3 BEING WITHIN AUSTIN LAKE ESTATES, SECTION ONE SUBDIVISION AND LOTS 36 AND 37 BEING WITHIN AUSTIN LAKE ESTATES, SECTION THREE SUBDIVISION. (COMMISSIONER HUBER) (10:05 AM)

Clerk’s Note: Item 3 is the action item for the public hearing on Agenda Item 1.

Members of the Court heard from: Anna Bowlin, Division Director, Engineering Services, TNR.

Motion by Judge Biscoe and seconded by Commissioner Huber to approve Item 3.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 4. CONSIDER AND TAKE APPROPRIATE ACTION ON A REQUEST FOR A VARIANCE TO CHAPTER 82.401 (C)(4), STANDARDS FOR CONSTRUCTION OF STREETS AND DRAINAGE IN SUBDIVISION, AND ACCEPT DEDICATION OF A PORTION OF THE STREET AND DRAINAGE FACILITIES IN CARDINAL HILLS ESTATES SUBDIVISION, UNIT 15. (COMMISSIONER HUBER) (9:29 AM)

Clerk’s Note: Item 4 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

- 5. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: BELVEDERE PHASE V, FINAL PLAT (11 TOTAL LOTS), AND A CASH SECURITY AGREEMENT WITH HAMILTON BEE CAVE LP FOR BELVEDERE PHASE V SUBDIVISION. (COMMISSIONER HUBER) (9:29 AM)

Clerk’s Note: Item 5 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

6. CONSIDER AND TAKE APPROPRIATE ACTION ON A PLAT FOR RECORDING IN PRECINCT THREE: LAKE RIDGE ESTATES, FINAL PLAT (7 TOTAL LOTS), AND A SUBDIVISION CONSTRUCTION AGREEMENT WITH 1431 BUSINESS CENTER AND RENEE CHAMPION FOR LAKE RIDGE ESTATES SUBDIVISION. (COMMISSIONER HUBER) (9:29 AM)

Clerk's Note: Item 6 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

PLANNING AND BUDGET DEPT. ITEMS

7. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET AMENDMENTS, TRANSFERS AND DISCUSSION ITEMS. (9:29 AM)

Clerk's Note: Item 7 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

8. REVIEW AND APPROVE REQUESTS REGARDING GRANT PROPOSALS, APPLICATIONS, CONTRACTS AND PERMISSIONS TO CONTINUE: (9:29 AM)
 - A. APPLICATION FOR A NEW GRANT TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, TO ESTABLISH A VETERAN'S COURT PROGRAM TO PROVIDE SPECIALIZED SERVICES FOR VETERANS WHO ARE NON-VIOLENT MISDEMEANOR DEFENDANTS IN THE CRIMINAL COURTS;
 - B. APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, TO CONTINUE THE EXISTING FAMILY VIOLENCE ACCELERATED PROSECUTION PROGRAM IN THE COUNTY ATTORNEY'S OFFICE;
 - C. APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, TO CONTINUE THE EXISTING FRONT END THERAPEUTIC SERVICES PROGRAM IN THE JUVENILE PROBATION DEPARTMENT THAT PROVIDES CONTRACTED MENTAL HEALTH SERVICES FOR THE DEPARTMENT'S COLLABORATIVE OPPORTUNITIES FOR POSITIVE EXPERIENCE MENTAL HEALTH COURT;

ITEM 8 CONTINUED

- D. APPLICATION FOR A NEW GRANT TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, TO ENHANCE AND EXPAND THE CONTINUUM OF VOCATIONAL AND LIFE SKILLS TRAINING AND OPPORTUNITIES FOR JUVENILES 15-17 YEARS OF AGE THAT RESIDE IN THE DEPARTMENT'S INTERMEDIATE SANCTIONS CENTER;
- E. APPLICATION FOR A NEW GRANT TO THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO ENHANCE JUVENILE PROBATION'S EXISTING RE-ENTRY PROGRAM FOR HIGH RISK MALES 16-17 YEARS OF AGE THAT RESIDE IN THE DEPARTMENT'S INTERMEDIATE SANCTIONS CENTER AND PARTNER WITH KEY STAKEHOLDERS TO CREATE THE TRAVIS COUNTY JUVENILE REENTRY ROUNDTABLE;
- F. APPLICATION FOR A NEW GRANT TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, TO ENHANCE THE EXISTING VICTIM SERVICES UNIT IN THE TRAVIS COUNTY SHERIFF'S OFFICE BY PROVIDING A VICTIM COUNSELOR SOLELY DEDICATED TO SERVE TO VICTIMS OF CHILD ABUSE;
- G. CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE HEALTH AND HUMAN SERVICES DEPARTMENT TO CONTINUE TO PROVIDE HOUSEHOLD HEATING AND COOLING ENERGY ASSISTANCE TO HELP LOW INCOME FAMILIES OR INDIVIDUALS BECOME ENERGY SELF-SUFFICIENT UNDER THE EXISTING COMPREHENSIVE ENERGY ASSISTANCE PROGRAM; AND
- H. CONTRACT FOR A NEW GRANT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE HEALTH AND HUMAN SERVICES DEPARTMENT TO PROVIDE WEATHERIZATION SERVICES AND MINOR HOME REPAIR ASSISTANCE FOR LOW-INCOME HOUSEHOLDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT WEATHERIZATION ASSISTANCE PROGRAM.

Clerk's Note: Items 8.A-H approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

ADMINISTRATIVE OPERATIONS ITEMS

9. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR PARTICIPANTS IN THE TRAVIS COUNTY EMPLOYEE HEALTH CARE FUND FOR PAYMENT OF \$1,911,218.40 FOR THE PERIOD OF FEBRUARY 12 TO 18, 2010. (9:29 AM)

Clerk's Note: Item 9 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

10. CONSIDER AND TAKE APPROPRIATE ACTION ON PROPOSED ROUTINE PERSONNEL AMENDMENTS. (9:29 AM)

Clerk's Note: Item 10 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

11. APPROVE MODIFICATION NO. 1 TO CONTRACT NO. 09K00179JW, FERGUSON LANE-TUSCANY WAY CONNECTOR ROAD AND DRAINAGE IMPROVEMENTS, ROSS CONSTRUCTION, INC. (9:29 AM)

Clerk's Note: Item 11 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

12. APPROVE CONTRACT AWARD FOR APACHE SHORES SUBSTANDARD ROAD IMPROVEMENTS, IFB NO. B100092-JW, TO THE LOW BIDDER, ROSS CONSTRUCTION, INC. (9:29 AM)

Clerk's Note: Item 12 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

OTHER ITEMS

13. CONSIDER AND TAKE APPROPRIATE ACTION ON REQUEST FROM THE TRAVIS COUNTY SHERIFF'S OFFICE TO ESTABLISH A CHANGE FUND IN THE AMOUNT OF \$60.00 TO BE USED BY THE SHERIFF'S OFFICE CENTRAL RECORDS DIVISION. (9:29 AM)

Clerk's Note: Item 13 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

14. RECEIVE STATE REQUIRED RACIAL PROFILING REPORT FOR CALENDAR YEAR 2009 FROM THE TRAVIS COUNTY SHERIFF'S OFFICE. (9:29 AM)

Clerk's Note: Item 14 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court's Motion and Vote.

15. CONSIDER AND TAKE APPROPRIATE ACTION ON REAPPOINTMENT OF HENRY GILMORE TO THE CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY BOARD. (JUDGE BISCOE) (9:11 AM)

Item 15 postponed until March 9, 2010.

EXECUTIVE SESSION ITEMS

Note 1 Gov't Code Ann 551.071, Consultation with Attorney

Note 2 Gov't Code Ann 551.072, Real Property

Note 3 Gov't Code Ann 551.074, Personnel Matters

The Commissioners Court will consider the following items in Executive Session. The Commissioners Court may also consider any other matter posted on the agenda if there are issues that require consideration in Executive Session and the Commissioners Court announces that the item will be considered during Executive Session.

- 16. CONSIDER AND TAKE APPROPRIATE ACTION CONCERNING THE SETTLEMENT OFFER REGARDING PAYMENT FOR STAR FLIGHT SERVICES RENDERED TO TYLER BORGER. ¹ (10:26 AM) (11:14 AM)

Clerk's Note: Judge Biscoe announced that Item 16 would be considered in Executive Session pursuant to Gov't. Code Ann. 551.071, Consultation with Attorney.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we reject that offer and ask for full payment immediately.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

19. CONSIDER AND TAKE APPROPRIATE ACTION ON LICENSE AGREEMENT FOR MANCHACA COMMUNITY CENTER. ^{1 AND 2} (9:35 AM) (10:26 AM) (11:16 AM)

Clerk’s Note: Judge Biscoe announced that Item 19 would be considered in Executive Session pursuant to Gov’t. Code Ann. 551.071, Consultation with Attorney and Gov’t. Code Ann. 551.072, Real Property.

Members of the Court heard from: Mary Ann Naumann, Committee Member, Manchaca Fire Hall; Barbara Wilson, Assistant County Attorney; and Roger El Khoury, Director, Facilities Management.

Motion by Commissioner Huber **and seconded by** Commissioner Gómez that we postpone consideration of this until next week, Tuesday, March 9, 2020, because it's important that we get complete and accurate information from the community group that has raised funds for this Center, and pursuant to next week's decision, we would

- Require that we have two signatures on the check
- Request a written statement of the vote from this group that raised funds as far as utilizing those funds for rent
- Direct staff to contact the other governmental entities regarding the financial issues surrounding the Community Center and give us a complete report next Tuesday.

A Substitute Motion was made by Commissioner Eckhardt **and Seconded by** Commissioner Davis to provide notice to Mr. Vogel of the Court's intention to not renew the license agreement with Mr. Vogel beyond June 15, 2010.

Clerk’s Note: The Court took a vote on whether to vote on the Substitute Motion before the Standing Motion.

Motion failed:

County Judge Samuel T. Biscoe	no
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Gerald Daugherty	no
Precinct 4, Commissioner Margaret J. Gómez	no

Clerk’s Note: The Court took a Vote on the Standing Motion at this time.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

ADDED ITEMS

- A1. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING COMMENTS TO THE CLEAN AIR COALITION AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) IN RESPONSE TO RULE PROPOSAL OF THE EPA TO RECONSIDER THE 2008 NATIONAL AIR QUALITY STANDARDS FOR OZONE, THE EFFECTS OF THE PROPOSAL ON TRAVIS COUNTY AND RELATED ISSUES. (10:06 AM)

Clerk’s Note: The Court discussed making changes to draft comments prepared by Staff.

Members of the Court heard from: Jon White, Natural Resources Program Manager, TNR; Tom Weber, Environmental Quality Program Manager, TNR; and Joe Gieselman, Executive Manager, TNR.

Motion by Judge Biscoe and seconded by Commissioner Davis to approve this as the draft as of today, Tuesday, March 2, 2010, with the understanding we will have the Item on the agenda next week Tuesday, March 9, 2010, in the event that there is a need for further modification.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Sarah Eckhardt	yes
Precinct 3, Commissioner Karen Huber	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item A1 to be reposted on March 9, 2010.

- A2. CONSIDER AND TAKE APPROPRIATE ACTION ON BUDGET TRANSFER AND USE OF COUNTY FUNDS TO REIMBURSE TRAVEL EXPENDITURES FOR OUT-OF-STATE CANDIDATE FOR COMPREHENSIVE PLANNING MANAGER IN THE TRANSPORTATION AND NATURAL RESOURCES DEPARTMENT. (9:29 AM)

Clerk’s Note: Item A2 approved as part of the Consent Motion. Please refer to CONSENT ITEMS for a summary of the Court’s Motion and Vote.

